

IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1858.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany Bill S. 303.]

*The Committee on Claims, to whom was referred the memorial of Isaac Varn, have had the same under consideration, and thereupon report :*

The testimony filed by the memorialist in support of his claim embraces a large number of official letters, certificates, and numerous affidavits, all of which your committee have carefully examined.

At the first session of the thirty-third Congress, the Committee on Claims having this case before them, submitted the following report upon it, together with a bill for the petitioner's relief, which report and bill your committee adopt, and they recommend the passage thereof :

IN THE SENATE OF THE UNITED STATES, January 19, 1854.

*The Committee on Claims, to whom was referred the petition of Isaac Varn, senior, report :*

It appears from satisfactory evidence that the land and buildings of the petitioner, situated in Duval county, Florida, were occupied by the United States troops as a military post from April, 1836, until the month of June, 1841, and that a large quantity of wood and timber belonging to him was cut and used by the troops.

The petitioner also claims compensation for cattle and sheep taken by the troops, and indemnity for the destruction of his fruit trees, fences, and other improvements, and for other losses growing out of the military occupation of his place.

It appears that Mr. Varn entered upon this land, being unappropriated public land, (sec. 12, township 5, range 24 E.,) in 1823 ; in 1826 or 1827 he erected a house thereon, in which he has continued to reside.

On the 31st March, 1838, (as shown by the records of the General Land Office,) he entered lots 3, 4, and 5 of said section, under the pre-emption act of 1834—said lots containing in all one hundred and

thirty-three and one-fourth acres ; and in 1839 he purchased lots 1 and 6, containing fifty-three and one-fourth acres.

The occupancy of the place as a military post during the period named is shown by statements from the War Department, and from the officers in command ; also, that wood and timber were cut for the use of the troops.

As to the amount of compensation to which the claimant is entitled the testimony is not very explicit or satisfactory, with the exception of the accompanying letter from General Twiggs, in answer to inquiries addressed to him by the chairman of the committee, in which he says he does not think six or seven thousand dollars by any means extravagant.

Believing that the claimant is clearly entitled to relief, the committee report the accompanying bill, and recommend its passage.

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NEW ORLEANS, *January 5, 1853.*

SIR : Yours of the 28th December is received. The troops did not occupy the land of Mr. Varn *by my order*. I found them posted there when I assumed the command in East Florida. There was a written agreement between Mr. Varn and myself, which was lost among my papers in Mexico, and I do not recollect the amount he was to receive. I made the arrangement with him for the reason that it came under my own observation that his timber was used by the United States, and the troops destroyed his fences, &c. He informed me that he had applied to several officers, and they would not make an arrangement with him, as they considered the land was the property of the United States. As the commanding officer, I deem it right and proper that he should be paid. I understand he claims some six or seven thousand dollars.

This sum I do not think by any *means extravagant*. He is an industrious and worthy citizen, and I do not think he would set up a claim for anything that he was not entitled to.

I am, sir, very respectfully, your obedient servant,

D. E. TWIGGS.

Hon. R. BRODHEAD,

*United States Senate, Washington, D. C.*